



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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March 19, 2015

Mon County Habitat for Humanity
c/o Evan Zuverink
251 Don Knotts Blvd
Morgantown, WV 26505

**RE: V15-20 and V15-21 / Mon County Habitat for Humanity / Addison Circle
Tax Map 24, Parcel 41**

Dear Mr. Zuverink:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development on Addison Circle. The decisions are as follows:

Board of Zoning Appeals, March 18, 2015:

V15-20 – Variance petition to encroach into minimum side setback requirement.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from Article 1335.04 to permit encroachment of 1'-5" into the minimum side setback standard on "Lot 9" as requested without conditions.

V15-21 – Variance petition to exceed maximum front setback standard.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief to permit the maximum front setback standard be exceeded by 6'3" on "Lot 5".

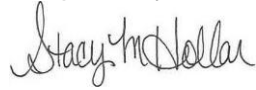
These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,



Stacy Hollar
Executive Secretary

ADDENDUM A

Approved Findings of Fact

V15-20 – Variance relief to encroach into minimum side setback requirement

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This request will only affect one individual building lot and should have no effect on public health, safety, or the rights of adjacent property owners.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The configuration of the east side boundary line of “Lot 9” is not parallel with the west side boundary line resulting in a front parcel width that is less than the rear parcel width. This configuration appears to result, in part, on the cul-de-sac layout of the entire development. The minimum side setback standard could be observed by moving the proposed single-family structure deeper into the site (further away from the street). However, doing so would exceed the maximum front setback standard requiring related variance relief.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Variance relief will permit the construction of a single-family dwelling on a newly created, but irregularly shaped parcel.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Variance relief will permit the construction of a single-family dwelling on a newly created parcel that meets R-1A District minimum lot frontage and minimum lot area standards.

V15-21 – Variance relief to exceed maximum front setback standard

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This request will only affect one individual building lot and should have no effect on public health,

safety, or the rights of adjacent property owners.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The configuration of the side parcel boundary lines of “Lot 5” is not parallel resulting in a parcel width that is much narrower at the front than the rear. This configuration results, in part, on the cul-de-sac layout of the entire development. The maximum front setback standard could be observed by moving the proposed single-family structure forward or closer to the street. However, doing so would encroach into the minimum side setback standard requiring related variance relief.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Variance relief will permit the construction of a single-family dwelling on a newly created, but irregularly shaped parcel.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Variance relief will permit the construction of a single-family dwelling on a newly created parcel that meets R-1A District minimum lot frontage and minimum lot area standards.